

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FLAME S.A.,	§	
	§	
	§	Civil Action No. 1:10-CV-278
v.	§	
	§	JUDGE RON CLARK
M/V LYNX, her engines, freights, apparel, appurtenances, tackle, etc., <u>in rem</u> ,	§	
	§	
	§	
<i>Defendant.</i>	§	

ORDER ON MOTION FOR ISSUANCE OF WARRANT

Before the court is Plaintiff Flame S.A.'s Motion for Issuance of Warrant of Arrest [Doc. # 2]. The court, having reviewed the verified Original Complaint filed by Plaintiff, and having determined that the conditions for an in rem action appear to exist in compliance with Supplemental Admiralty Rule C, finds that Plaintiff's motion should be granted.

IT IS THEREFORE ORDERED that a Warrant of Arrest be issued against the M/V Lynx, her engines, freights, apparel, appurtenances, tackle, etc. (hereinafter "vessel").

IT IS FURTHER ORDERED that any person claiming an interest in the property arrested pursuant thereto may, upon a showing of any improper practice or a manifest want of equity on the part of Plaintiff, be entitled to an order requiring Plaintiff to show cause forthwith why the arrest should not be vacated or other relief granted.

IT IS FURTHER ORDERED that the deadline for any application to intervene shall be thirty (30) calendar days after publication of the notice required by Supplemental Admiralty Rule C(4). *See* LAR (c)(2)(g).

IT IS FURTHER ORDERED at a copy of this order be attached and served with the said process of arrest. Anyone interfering with the execution of this Order is subject to arrest by the United States Marshal. The United States Marshal is authorized to take all necessary steps using whatever force necessary, including breaking open, entering, and searching for the vessel.

IT IS FURTHER ORDERED that the United States Marshal is authorized to allow the caretaker of the vessel to move it around the shipyard area as necessary to continue normal shipyard operations, including cargo operations. No items may be taken off of, or put on, the vessel, except for safety reasons.

IT IS FURTHER ORDERED that the vessel may be released from seizure without further order of this court, if the Marshal receives written authorization from the attorney who requested the seizure, and that such attorney advises that he has conferred with all counsel representing all of the parties to the litigation and they consent to the release, if the attorney files the consent and the court has not entered an Order to the contrary.

IT IS FURTHER ORDERED that the United States Marshal is released of all liability and to be held harmless for any and all causes of action arising out from cargo operations, or out of the care, custody, and control of the vessel.

So **ORDERED** and **SIGNED** this **13** day of **May, 2010**.



Ron Clark, United States District Judge